

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 16, 2005 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #05026 Apple's Way PUD

PROPOSAL: Change the zoning designation from AG to R-1 and B-2 PUD, and approve a development plan for 32 dwelling units and 235,000 square feet of commercial floor area.

LOCATION: South 66th Street and Highway 2

LAND AREA: Approximately 61.7 acres.

WAIVERS:

1. Preliminary plat process.

CONCLUSION: The land use plan of the Comprehensive Plan designates urban residential uses for this site. Staff is recommending denial of the associated comprehensive plan amendment (CPA#04010) to change the designation to commercial for the west 39 acres of the site, and does not support development of this site to a level that warrants a traffic signal on Highway 2. As presented, this request would generate traffic which warrants a traffic signal on Highway 2 and contribute to an increase in delays and congestion at the nearby major intersections along the Highway 2 corridor. The proposed development would further degrade the transportation system in an area already known to be problematic, and encourage similar requests by other property owners along the corridor. It will also introduce several times more cut-through traffic on South 66th Street in Country Meadows in comparison to a residential development.

<u>RECOMMENDATION:</u>
R-1, B-2 PUD
Denial
Waivers
1. Preliminary plat process.
Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal descriptions.

EXISTING LAND USE AND ZONING: Vacant AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	Bank, Residential	AGR, O-3
South:	Vacant, Residential	AGR, R-1
East:	Residential	AGR, R-1
West:	Commercial	H-4

ASSOCIATED APPLICATIONS: CPA#04010 - A request to amend the Comprehensive Plan to change the land use designation from residential to commercial for the west 39 acres of this site.

HISTORY: April 28, 2004 - CPA#04010 to change the land use designation on this site from urban residential to commercial for the entire site was placed on hold by the applicant. This request has since been modified to change the land use designation from residential to commercial for only the west 39 acres of this site.

July 14, 2003 - CPA#03012 to change the land use designation on this site from urban residential to open space and commercial was withdrawn. It had received a 6-0 vote for denial from the Planning Commission.

March 26, 2001 - A request to include a change in the land use designation from urban residential to commercial for this site was considered but not adopted as part of the Southeast Lincoln/Highway 2 Subarea Plan.

May 2, 1994 - CZ#2085 was denied by City Council to change the zoning of this property from AGR to R-3 and B-5.

May 8, 1979 - The zoning was changed from AA Rural and Public Use to AGR Agriculture Residential with the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - This site is designated as urban residential land use in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is within the City's Future Service Limit.

Page 105 - Lincoln Area Street and Roadway Improvements 2025 - Designates that portion of Highway 2 from South 56th Street to South 120th Street for 'Corridor Protection'.

Page 111 - Nebraska Highway 2 Corridor Protection - The roadway within the corridor could be further improved or the corridor could serve as a multi-modal or multi-use area in the future. Corridor preservation should include retention of all property within the State's present right of way area, denial of any additional access points to

the roadway, elimination of existing access points should such opportunities arise, and the acquisition of additional right of way should it become available.

Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Executive Summary - There has been significant effort spent over the past several years to study the transportation impact of commercial development in this area. This subarea plan provides for approximately 2.3 million square feet of additional space. That is more than double the amount of space in Gateway Mall and is in addition to the existing 1.4 million SF in the vicinity of Edgewood. Proposals to substantially increase this amount of commercial space may argue that more commercial sites can be developed without any traffic impact on the transportation network. While the transportation impact will continue to be reviewed, it is well established that as commercial space increases there will be an impact on the road network. One of the most important actions a community can take to address concerns about traffic congestion is to make wise land use decisions in advance of development.

Page 6 - Provide Effective Land Use Transitions - Provide appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas. In some areas, special residential" uses should be provided to adjacent lower density residential uses. Special residential uses could include churches, domiciliary care facilities, retirement apartments, child care facilities or townhomes. In more urban settings, which are further from existing single family residences, apartments may also be appropriate as a special residential uses.

Page 8 - Designates urban residential land use with the "SR" (Special Residential) designation for the northwest corner of the site.

Page 9 - Efficient use of transportation network - Land use decisions must consider the impacts upon the transportation network. The proposed uses are scaled to the capacity of Highway 2 and 84th Street and to retain the community's desired Level of Service C. Highway 2 is not only used by local residents, it also serves the community and region.

- Promote a Desirable Entryway - Standards for landscaping and architecture should be developed to promote a desirable entryway into Lincoln along Highway 2 — however, standards alone will have little impact if land use decisions strip the area with commercial uses, signs and cause the widening of Highway 2 to six lanes. It will be difficult to have enough landscaping to reduce the visual impact of potentially 9 or 10 traffic lanes (6 through, dual left and right turn lanes.) An open space corridor (approximately 200 feet from centerline) is shown along Highway 2, adjacent to the new commercial uses, as one part of having a desirable entryway with commercial development.

- Retention of Low Density Residential Character: the character of this area today is predominately low density residential. The Comprehensive Plan encourages preserving and respecting the character of the existing neighborhoods. The impact on existing areas should be a priority in all land use and transportation decisions in this area. The low density residential designation is kept on existing neighborhoods. In addition, the property on the southwest corner of 84th & Highway 2 should remain low density residential. It does not have a safe access point to either Highway 2 or 84th Street.

This site is fully integrated into the land use and road pattern of the surrounding neighborhoods and due to the features of the site can be developed residentially.

- Changes from Low Density to Urban Residential - Several vacant properties along Highway 2 are appropriate for urban residential. Development of residential is possible along Highway 2 and will retain the residential character of the area. Several of these properties have existing topography and trees which help screen the property from the highway while others may require additional screening. These properties are key to the overall vision for the area. Commercial development on these properties could have significant transportation impacts, such as necessitating six lanes on both Highway 2 and 84th Street, and could impact existing residential uses. The impact on the traffic network of strip commercial may also impact the mobility of existing residents and a visual impact on the entryway into the community.

Page 10 - Commercial transition - Within commercial areas, office and lower intensity uses along with appropriate buffer areas should be developed as a transition to adjacent residential uses.

Page 13 - Entryway Corridor - To preserve the entryway corridor, the land use and transportation decisions are equally important as landscaping or architectural standards.

UTILITIES: The site can be served by municipal water and sanitary sewer.

TOPOGRAPHY: There is a hill along the west edge of the site, with small drainage ways on either side of it flowing from northeast to southwest.

TRAFFIC ANALYSIS: Highway 2 is considered a principal arterial in this area, and from South 56th Street to South 120th Street it is a protected corridor. The site plan shows a connection to South 66th Street which is a local street extending from Highway 2 to Pine Lake Road, and provides the Country Meadows subdivision with access to both Highway and Pine Lake Road. The Land Use Plan designates this site for urban residential uses in part to limit the amount of additional traffic in the area and reduce the need for another traffic signal in Highway 2. Changes in the land use designation for this site have previously been opposed due to the adverse impact that additional traffic associated with more intensive uses would have on the transportation system in the area.

ALTERNATE USES: A change of zone to R-1 is more appropriate than the current AGR, and would allow more efficient use of the land. The request could be modified to extend R-1 over the entire site or otherwise be developed residentially consistent with the Comprehensive Plan.

ANALYSIS:

1. The associated request CPA#04010 proposes a commercial designation for 39 acres of this site. The PUD assumes approval of the amendment and shows 39 acres of commercial in B-2. Staff is recommending denial of both the comprehensive plan amendment and the PUD, and objects to the proposed B-2 zoning due to impacts

upon the transportation system in the area. The recommendation is for denial; however, the PUD was reviewed and the following analysis is included to establish the basis for the conditions that follow should the City Council choose to approve these requests.

2. This is a request for an R-1, B-2 PUD over a 62 acre site. The site plan proposes a change of zone to R-1 for the east 22 acres, creating 32 - approximately one-half acre lots. The west 39 acres is shown as B-2, and proposes approximately 235,000 square feet of commercial floor area. A 138,000 square foot 'big box' assumed in the traffic study to be a home improvement superstore with an outdoor garden area is shown in the B-2 as part of the total proposed commercial floor area. The remaining commercial floor area is distributed among specialty retail, an auto parts store, high-turnover and sit-down restaurants, and a drive-thru bank.
3. The intent of the recent revisions to the PUD ordinance were to allow a creative mix of land uses within the same development but under a single zoning district. This request could be presented as a separate use permit for the B-2 and a separate community unit plan (CUP) for the residential based upon the zoning scheme plan proposed. There is no mixing of land uses, and the inherent flexibility of a PUD does not appear to be needed.
4. A development plan is a required part of a PUD and can propose adjustments to the area, height, sign, parking, landscaping, screening, traffic access and setback regulations to tailor them to suit the development. The plan can take different forms, and the conventional method would be to propose a set of adjustments to the regulations that are unique to the development, attached to a generalized plan that includes only basic information such as the street layout and identifies land use 'nodes'. The approach taken with this plan is different in that a fairly specific site plan has been proposed and no adjustments are being requested.
5. The site plan for the B-2 shows restaurant and other identified uses adjacent to the R-1. The uses in this area should be transitional and provide a buffer between the more intensive commercial uses and the residential. The restaurants and similar high-traffic uses do not provide this buffer. The buffer should also include a minimum 50' setback from the residential boundary to any buildings or parking in the B-2. The development plan for the B-2 should be revised to identify areas for generalized land uses, showing no more than 50,000 square feet of office floor area between South 63rd Street and the R-1, and no more than 185,000 square feet of commercial floor area west of South 63rd Street, not exceeding a total of 235,000 square feet overall. Adjustments to allow office floor area to be reallocated and used as commercial floor area west of South 63rd Street may be approved administratively.

6. The orientation of the 'big box' store should be reversed and show the lawn and garden center at the south end of the building. The Home Depot at South 70th and Highway 2 has located their outdoor lawn and garden center at the north end of the building and it does not enhance the Highway 2 corridor. The lawn and garden center should be moved to the south end of the building to help screen it from the highway.
7. Landscaping is not shown. Screening is required by Design Standards between the B-2 and R-1, for the residential lots adjacent to Highway 2, and around all buildings in the B-2. Additionally, street trees are required along all public and private streets, and along Highway 2.
8. Sidewalks are not shown, however a good internal and external pedestrian system for the commercial center should be provided. Sidewalks must be shown along both sides of all streets, and sidewalk connections which provide access to the front door of each commercial building should also be provided. The sidewalks along South 63rd Street will provide a pedestrian connection to the parkland southeast of the site.
9. Highway 2 adjacent to this site is designated for corridor protection, and should be treated similar to other commercial developments along the highway that have been approved since the designation was adopted. This includes Appian Way (north and South), Pine Lake Plaza, and Willowbrook. All these developments have maintained a green space corridor along the highway by including a 175' setback to parking areas (including driveways), and a 200' setback to buildings as measured from the centerline of the highway (setbacks are approximate and vary with right-of-width). The building and parking areas are setback some distance, but the actual distance from the centerline of Highway 2 is not shown. A 175' setback to parking and a 200' setback to buildings for the B-2 should also be shown on the plan.
10. The proposed PUD does not specifically address signs, and does not request any adjustments to the sign regulations. Pole signs are allowed in the B-2 district, but are not compatible with the corridor protection applied to Highway in this area. Pole signs should be prohibited as part of this PUD.
11. Significant grading is required in the area of the 'big box' store, but a grading plan has not been provided. Staff will need to review the site grading and drainage plans to evaluate the impact upon both this site and adjacent properties. The plans must be submitted for review and approval prior to issuance of any building permits.
12. The intersection of the private roadway and South 66th Street must be moved south. Outlot A of Country Meadows 4th Addition included an easement previously granted to accommodate a street through it, so the private roadway must be moved south to align with it. This will provide room for adequate vehicle stacking on South 66th Street at the intersection with Highway 2.

13. Outlot F, Country Meadows Addition was also created to provide for a future street extending to the south edge of this site. The logical connection would be provided by removing the south cul-de-sac and then extending the street to the south boundary. However, it is unlikely that the Country Meadows Homeowners Association will ever build their portion of the street in Outlot F, and so a requirement to make the connection is not practical. It should be that without a connection in this area, the block length exceeds the maximum allowed. If the block length is not reduced, a waiver is required and must be included in a new legal notice and be presented at a later Planning Commission hearing.
14. Previous discussions concerning the development of this site included plans to extend South 63rd Street to South 56th Street along the south edge of the Trade Center. That street extension is no longer shown as part of this project, however the possibility for making a future connection should not be precluded by this project. The detention cell at the southwest corner of the site should be reconfigured to not preclude the extension of South 63rd Street.
15. The site plan shows a median opening in Highway 2 and a traffic signal at South 63rd Street, and Public Works has previously stated they are opposed to both. However if this project is approved, both will be needed.
16. A 'restricted access gate' is shown in the private roadway at the boundary of the R- and B-2. The applicant notes that it "is intended to permit westbound traffic to enter the commercial portion.....and is designed to restrict the commercial traffic from entering the residential portion and ultimately the County Meadows subdivision." Staff does not support gated streets because they diminish public safety by serving as impediments to emergency responders, and they are contrary to the goal of providing connectivity among neighborhoods. Access cannot be restricted to a roadway over which a public access easement has been granted.
17. The lot arrangement surrounding the north cul-de-sac is inefficient and results in irregularly shaped lots and undesirable home sites. The cul-de-sac should be moved east and the lots redesigned to provide more suitable home sites. Additionally, as drawn several lots exceed the lot width to depth ratio, however a specific adjustment was not request to allow it. The lot to depth ratio for all lots should be verified, and the plan should either be redrawn or an adjustment requested. Adjustments would require a new legal notice and must be presented at a later Planning Commission hearing.
18. Those areas surrounding the ponds/open green spaces should be designated as outlots.

19. Street names must be provided. Additionally, South 63rd Street should be named and not numbered as it is not a north-south street.
20. Several minor revisions are required to the General Site Notes on Sheet 1 of 2.
21. The Parks and Recreation Department notes that Pine Lake Park serves as the neighborhood park for this area, and that impact fees will be collected in lieu of park land.
22. A review from Public Works and Utilities has not yet been received on this project. Their report will be provided when it is received, and the plans must be revised in compliance with deficiencies noted in that review.

CONDITIONS:

Should the Planning Commission choose to approve this PUD, the following are the recommended conditions of approval.

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the plans as follows:
 - 1.1.1 Show land use nodes in the B-2 designating no more than 50,000 square feet of office floor area between South 63rd Street and the R-1, and no more than 185,000 square feet of commercial floor area west of South 63rd Street, not exceeding a total of 235,000 square feet overall. Adjustments to allow office floor area to be reallocated and used as commercial floor area west of South 63rd Street may be approved administratively.
 - 1.1.2 Show a minimum 50' wide landscaped buffer area between the R-1 and adjacent commercial uses.
 - 1.1.3 Add the following note: "The specific layout of the commercial nodes will be approved administratively prior to final plat approval."
 - 1.1.4 Show all required screening, and add a note that states: "Individual lot landscaping for all office and commercial buildings will be reviewed at the time of building permits. Street trees to be reviewed at time of final plat and assigned by Parks and Recreation."

- 1.1.5 Provide sidewalks along both sides of all interior streets and private roadways and provide sidewalks from there to the front door of each commercial building.
- 1.1.6 Designate a 175' setback to commercial/office parking including driveways and a 200' setback to commercial/office buildings from the centerline of Highway 2.
- 1.1.7 Add a note that states the following: "Signs allowed as per the R-1 and B-2 zoning districts, however pole signs are prohibited."
- 1.1.8 Show the intersection of the private roadway and South 66th Street moved south to a point where it uses the access easement granted as part of Country Meadows 4th Addition.
- 1.1.9 Show the south cul-de-sac deleted and the street connected to Outlot F in Country Meadows Addition (this cannot be waived until a new legal notice is published and public hearing is held).
- 1.1.10 Show South 63rd Street stubbed to the southwest corner of the plat at the west edge of the detention cell.
- 1.1.11 Delete the restricted access gate across the private roadway.
- 1.1.12 Show the north cul-de-sac redesigned to create suitable building sites.
- 1.1.13 Show the retention of existing trees, except those indicated for removal on the submitted plans.
- 1.1.14 Show fire hydrants to the satisfaction of the Fire Department.
- 1.1.15 Show required LES easements.
- 1.1.16 Show open spaces/detention areas as outlots.
- 1.1.17 Revise the general site notes to the satisfaction of the Planning Department.
- 1.1.18 Provide proper street names for all streets and private roadways within the development.
- 1.1.19 Show revisions to the satisfaction of Public Works and Utilities.

- 1.2 Grading and drainage plans to be approved administratively prior to issuance of building permits.
2. This approval permits 32 dwelling units and 235,000 square feet of commercial and office floor area and waives the preliminary plat process.
3. City Council approves associated request CPA#04010.
3. If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city, and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.
4. Before the approval of a final plat, the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, streetlights, landscaping screens, street trees, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
5. Permittee agrees:
 - to complete the paving of all public streets and private roadways shown on the final plat within two (2) years following the approval of this final plat.
 - to complete the installation of sidewalks along both sides of all interior streets and private roadways as shown on the final plat within four (4) years following the approval of the final plat.
 - to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of private and private street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along all streets and along Highway 2 within four (4) years following the approval of the final plat.

to complete the planting of the landscape screen along Highway 2 within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the Planned unit Development.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs including any costs for any improvements in Highway 2 required to allow turning movements into this site.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access to Highway 2 except as shown.

General:

6. Before receiving building permits:

- 6.1 The permittee shall have submitted a revised and reproducible final plan and the plans are acceptable:
- 6.2 The construction plans shall comply with the approved plans.
- 6.3 Final plats shall be approved by the City.
- 6.4 Applicant agrees to pay for the design and installation of any required turn lanes in Highway 2.

Standard:

7. The following conditions are applicable to all requests:

- 7.1 Before occupying the dwelling units and commercial buildings all development and construction shall have been completed in compliance with the approved plans.

- 7.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
- 7.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 7.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 7.5 The City Clerk shall file a copy of the ordinance approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

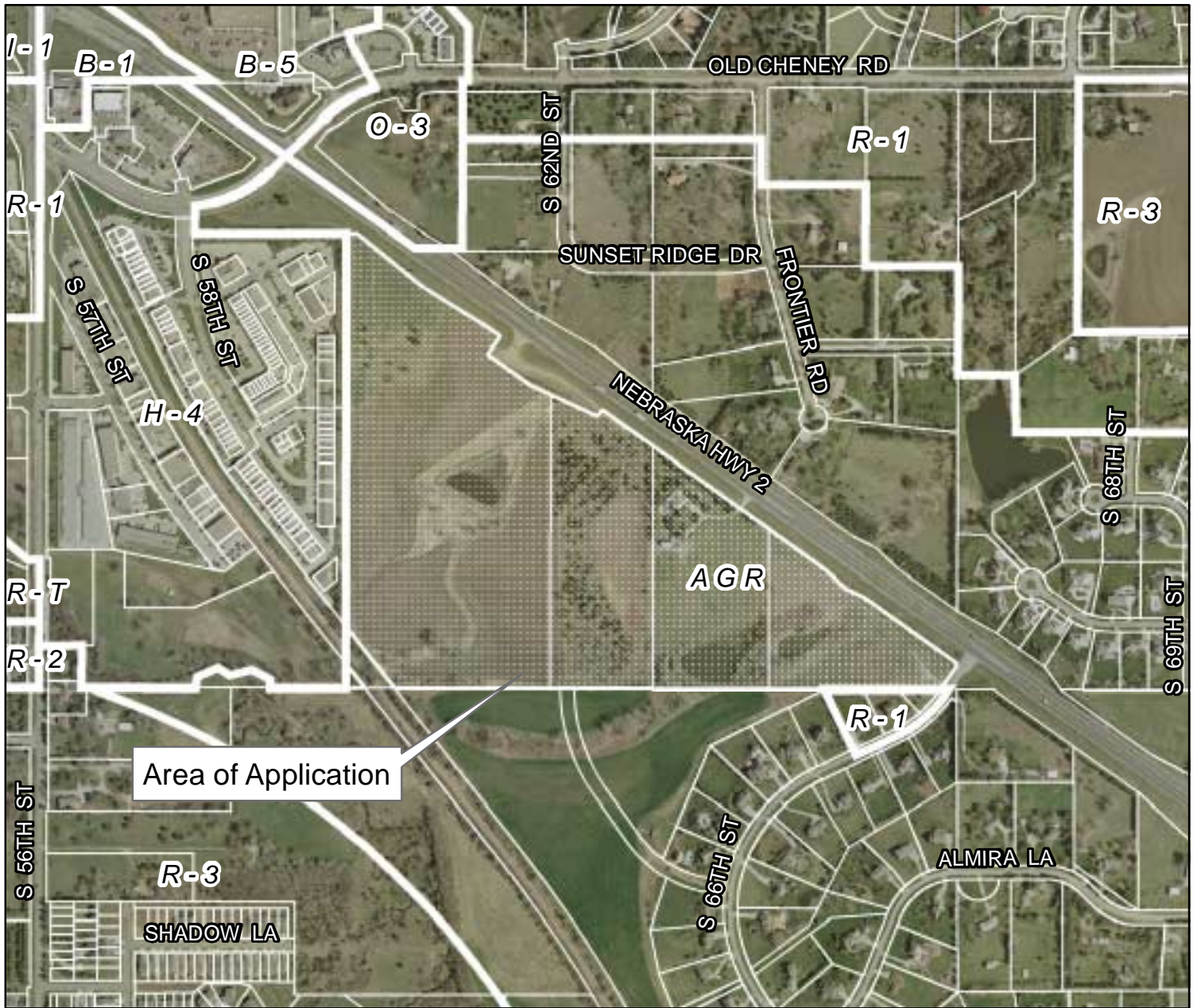
Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
April 4, 2005

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Contact: Bill Langdon/Bennie McCombs
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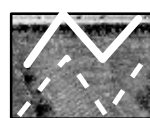
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Change of Zone #05026 Apple's Way PUD S. 66th & Hwy 2

Zoning:

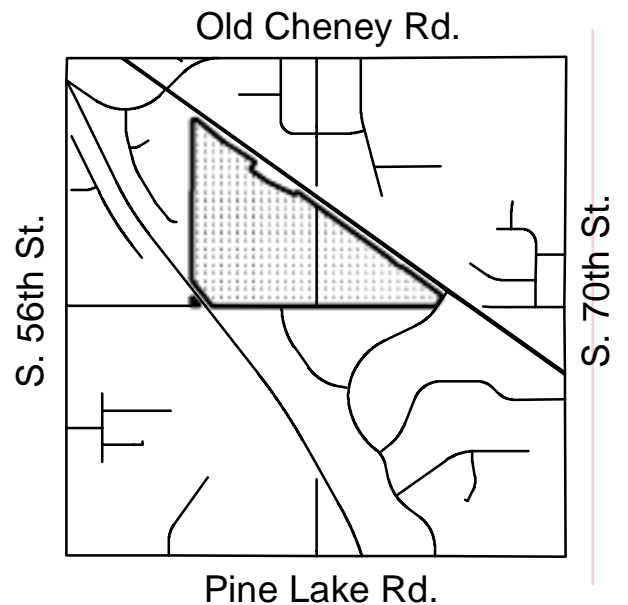
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 16 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

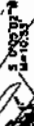
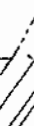
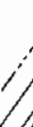
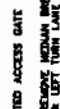
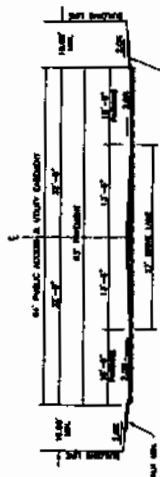
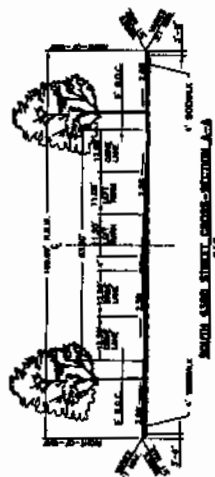


1.049 TOTAL P.M. PEAK HOUR TRIPS

APR 1964

[illegible]

Age	Sex	Occupation	Education
18-24	M	Student	High School
25-34	F	Homemaker	High School
35-44	M	Teacher	College
45-54	F	Nurse	College
55-64	M	Engineer	College
65+	F	Retired	College



R=515.12'
S=3654.22'-W
M=365'

Figure 1

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~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2010 BY 60322
UCBAW~~

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CHARLES E. WRIGHT, COUNSEL
RICHARD P. JEFFRIES, COUNSEL

March 17, 2005

Hand Delivery

Mr. Marvin Krout, Director of Planning
Lincoln City/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Apple's Way Planned Unit Development
Our File: MCB07-RE001

Dear Mr. Krout:

I represent Apple's Way, L.L.C., AND Uno Properties, Inc., which are the owners of the property generally located at South 66th Street and Highway 2, and am pleased to present to the City of Lincoln a Planned Unit Development Application for the development of this property generally located west of South 66th and Highway 2. The parcel contains approximately 62 acres. As a part of the Planned Unit Development Application, my client seeks to change the underlying zone of approximately 22.5 acres to the R-1 Residential District. The balance of the property will be changed to a B-2 underlying zone, containing approximately 39.1 acres. This letter shall also serve as the purpose statement of the submittal.

Residential

The enclosed site plan reflects 32 larger residential lots located within the R-1 Residential District. The residential lots located on the eastern portion of the subject property are designed to be compatible and very similar to the large residential lots located within the Country Meadows neighborhood adjacent to the property to the south. The site plan for the residential portion of the planned unit development envisions the retention of the existing home at the top of the hill adjacent to Highway 2. The site plan envisions retention of the existing hill, the ponds, and tree stands to serve as amenities for the residential development and provide buffering for the Country Meadows subdivision.

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Commercial

The commercial portion of the site reflects approximately 221,900 square feet of building area. The site plan reflects but does not include any square footage for the garden center adjacent to the larger retail building. We were unclear as to how much of the garden center is to be included in the floor area calculation due to the fact of its open-air construction and it would be utilized by the retailer for seasonal sales. Further, during my client's discussions with the Country Meadows neighborhood, we have committed that the commercial area will not contain more than 235,000 square feet plus or minus 5% to provide some flexibility for locating the ultimate users. The quantity of floor area within the commercial portion of the planned unit development envisions a floor-to-area ratio of less than 15%. In the event that the garden center is properly includable in calculation for the floor area, my client would retain the right to adjust the square footage of the other buildings within the commercial area to meet the commitment made to the Country Meadows Neighborhood Association.

Over the last one-and-a-half to two-year time period, Apple's Way has had multiple meetings with the Country Meadows neighborhood and the committee established by the Neighborhood Association to work with us on developing this site plan. We most recently had a meeting on March 15, which was very productive. We are at the point of discussions with the Country Meadows Neighborhood Association where we would like to obtain the City's review and input.

The street within the residential portion is labeled as a private street. In recognition of city policy that neighborhoods be connected, the residential portion is connected to South 66th. The Country Meadows Neighborhood has expressed concern about commercial traffic entering their neighborhood. Thus, the site plan reflects a restricted access gate at the western edge of the residential portion. This gate is intended to permit westbound traffic to enter the commercial portion. The neighborhood has expressed a desire to have access to a traffic signal on Highway 2 to permit westbound traffic to enter Highway 2. The access gate is designed to restrict the commercial traffic from entering the residential portion and ultimately the Country Meadows subdivision.

To that end, I enclose the following:

1. Change of Zone Application seeking to change the eastern portion to the R-1 Residential District;
2. Change of Zone Application seeking to change the western portion to the B-2 District;
3. Change of Zone Application seeking to overlay a planned unit development over the entire site;

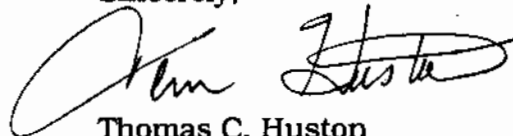
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4. Twenty copies of the cover sheet containing the change of zone information and of the site plan;
5. Three copies of the traffic study prepared by Olsson Associates so that two copies can be retained by the Planning Department and one copy can be provided to the Department of Public Works; and
6. A check made payable to the City of Lincoln in the amount of \$2,410. The application fee as required by the Lincoln Municipal Code would require the payment of the sum of \$370 for the change of zone to the R-1 District, \$740 for the change of zone to the B-2 district, and \$1,300 for the planned unit development fee.

We look forward to continuing the dialogue with the City of Lincoln on this important project. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston", written over a horizontal line.

Thomas C. Huston
For the Firm

Enc.

c: Bill Langdon

Bennie McCombs

Royce Mueller, Country Meadows Neighborhood Association

Mark Hunzeker

Peter Katt

L0638218.1



Memo

To: Brian Will, Planning Department
From: Mark Canney, Parks & Recreation
Date: March 30, 2005
Re: Apple's Way CZ05026

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. All outlot areas to be maintained by the developer and/or future homeowner's association.
2. All landscaped boulevards and medians must be maintained by the developer and/or future homeowner's association.
3. Street Trees need to be assigned by the Forestry Department. Please contact the Forestry Department at 441-7036 regarding Street Tree Assignments.
4. Impact fees to be collected in lieu of park land.
5. Pine Lake Park serves as the neighborhood Park.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.
Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will	DATE: April 1, 2005
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: Apple's Way PUD CZ #05026

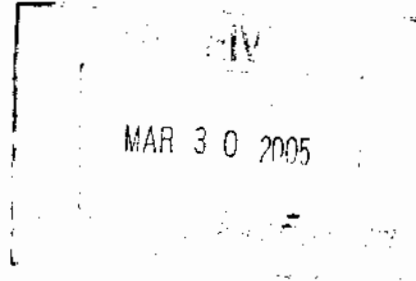
The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The LLCHD advises that noise pollution can be concern when locating residential areas adjacent to commercial uses. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.
- The proposed development is located within the Country Meadows Wellhead Protection Area. Best management practices (BMP) should be utilized to decrease the risk of groundwater contamination. For example, being conscientious regarding the use of lawn chemicals/ fertilizers and ensuring the proper the storage of chemicals and/or fuels.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

INTER-DEPARTMENT COMMUNICATION

-LES

DATE: March 29, 2005
TO: Brian Will, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 61S-62E



CZ# 05026

Attached is the cover sheet for Apple's Way P.U.D.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

PUD LEGAL DESCRIPTION

REMAINING PORTION OF OUTLOT "E", COUNTRY MEADOWS, AND LOTS 36, 88, 123, 155 AND 156 IRREGULAR TRACTS, ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 123; THENCE ON THE NORTH LINE OF SAID LOT 123, ON AN ASSIGNED BEARING OF N 89°57'28"E, A DISTANCE OF 50.79'; THENCE ON THE SOUTHERLY RIGHT OF WAY LINE OF NEBRASKA HIGHWAY #2, FOR THE NEXT THIRTEEN (13) COURSES; S 48°25'20"E 359.86'; THENCE S 59°21'17"E 330.85'; THENCE S 54°33'46"E 70.04'; THENCE S 35°30'08"W 90.51'; THENCE S 54°32'44"E 230.00'; THENCE S 65°06'38"E 315.35'; THENCE N 35°20'01"E 32.94'; THENCE S 54°36'32"E 267.53'; THENCE S 54°29'46"E 618.68'; THENCE S 54°29'48"E 307.34'; THENCE S 47°32'08"E 110.81'; THENCE S 62°59'47"E 90.95'; THENCE S 54°31'20"E 482.57', TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET, SAID POINT BEING THE EASTERLY MOST POINT OF SAID REMAINING PORTION OF OUTLOT "E"; THENCE ON THE EASTERLY LINE OF SAID OUTLOT "E" AND THE NORTHERLY RIGHT OF WAY LINE OF SOUTH 66th STREET FOR THE NEXT THREE (3) COURSES; THENCE S 0°05'02"W 10.53'; THENCE S 35°06'21"W 127.02', TO A POINT ON CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 513.12' AND A CENTRAL ANGLE OF 0°13'28"; THENCE ON THE CHORD OF SAID CURVE, S 34°54'22"W 2.01', TO THE SOUTHEAST CORNER OF SAID OUTLOT "E"; THENCE ON THE SOUTH LINE OF SAID OUTLOT "E", N 89°58'34"W 733.95'; THENCE ON THE SOUTH LINE OF SAID LOT 36, N 89°56'43"W 500.47'; THENCE ON THE SOUTH LINE OF SAID LOTS 88 AND 155, N 89°55'11"W 1125.77', TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 88; THENCE ON SAID SOUTHWESTERLY LINE, N 37°44'12"W 316.98', TO A POINT ON THE WEST LINE OF SAID LOT 88; THENCE ON THE WEST LINE OF SAID LOTS, 88 AND 123, N 0°01'47"W 1712.95', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 61.70 ACRES, MORE OR LESS.

RESIDENTIAL LEGAL DESCRIPTION (R-1 UNDERLYING ZONE)

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF OUTLOT "E" COUNTRY MEADOWS, A PORTION OF LOT 36 I.T., AND A PORTION OF LOT 155 I.T., ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 155 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF LOT 88 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH ALONG A WEST LINE OF SAID LOT 155 I.T., ON AN ASSUMED BEARING OF NORTH 00 DEGREES 03 MINUTES 13 SECONDS WEST, A DISTANCE OF 280.07 FEET TO A POINT, THENCE NORTH 35 DEGREES 30 MINUTES 14 SECONDS EAST, A DISTANCE OF 864.58 FEET TO A POINT, OF INTERSECTION WITH A NORTHEAST LINE OF LOT 36 I.T., THENCE SOUTH 54 DEGREES 29 MINUTES 46 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 36 I.T., A DISTANCE OF 507.10 FEET TO THE NORTHEAST CORNER OF SAID LOT 36 I.T., SAID POINT BEING THE NORTHWEST CORNER OF OUTLOT "E" COUNTRY MEADOWS, THENCE SOUTH 54 DEGREES 29 MINUTES 48 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 307.34 FEET TO A NORTH CORNER OF SAID OUTLOT "E", THENCE SOUTH 47 DEGREES 32 MINUTES 08 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 110.81 FEET TO A NORTH CORNER OF SAID OUTLOT "E", THENCE SOUTH 62 DEGREES 59 MINUTES 47 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 90.95 FEET TO A NORTH CORNER OF SAID OUTLOT "E", THENCE SOUTH 54 DEGREES 31 MINUTES 20 SECONDS EAST ALONG A NORTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 482.57 FEET TO A NORTHEAST CORNER OF SAID OUTLOT "E", THENCE SOUTH 00 DEGREES 05 MINUTES 02 SECONDS WEST ALONG A EAST LINE OF SAID OUTLOT "E", A DISTANCE OF 10.53 FEET TO A EAST CORNER OF SAID OUTLOT "E", THENCE SOUTH 35 DEGREES 06 MINUTES 21 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID OUTLOT "E", A DISTANCE OF 127.02 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 00 DEGREES 13 MINUTES 28 SECONDS, A RADIUS OF 513.12 FEET, A ARC LENGTH OF 2.01 FEET, A CHORD BEARING OF SOUTH 34 DEGREES 54 MINUTES 22 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID OUTLOT "E", AND A CHORD DISTANCE OF 2.01 FEET TO A THE SOUTHEAST CORNER OF SAID OUTLOT "E", THENCE NORTH 89 DEGREES 58 MINUTES 34 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLOT "E", A DISTANCE OF 733.95 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "E", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 36 I.T., THENCE NORTH 89 DEGREES 56 MINUTES 43 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 36 I.T., A DISTANCE OF 500.47 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "E", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 155 I.T., THENCE NORTH 89 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 155 I.T., A DISTANCE OF 412.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 982,931.36 SQUARE FEET OR 22.5650 ACRES, MORE OR LESS.

COMMERCIAL LEGAL DESCRIPTION (B-2 UNDERLYING ZONE)

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 123 I.T., LOT 156 I.T., LOT 88 I.T., A PORTION OF LOT 155 I.T., AND A PORTION OF LOT 36 I.T., ALL LOCATED IN THE NORTH HALF OF SECTION 16, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 88 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 155 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 88 I.T., ON AN ASSUMED BEARING OF NORTH 89 DEGREES 55 MINUTES 11 SECONDS WEST, A DISTANCE OF 713.76 FEET TO A SOUTHWEST CORNER OF SAID LOT 88 I.T., THENCE NORTH 37 DEGREES 44 MINUTES 12 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 88 I.T., A DISTANCE OF 316.98 FEET TO A WEST CORNER OF SAID LOT 88 I.T., THENCE NORTH 00 DEGREES 01 MINUTES 47 SECONDS WEST ALONG A WEST LINE OF SAID LOT 88 I.T., AND THE WEST LINE OF LOT 123 I.T., A DISTANCE OF 1,712.95 FEET TO THE NORTHWEST CORNER OF SAID LOT 123 I.T., THENCE NORTH 89 DEGREES 57 MINUTES 28 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 123 I.T., A DISTANCE OF 50.79 FEET TO A NORTH CORNER OF SAID LOT 123 I.T., THENCE SOUTH 48 DEGREES 25 MINUTES 20 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 123 I.T., A DISTANCE OF 359.86 FEET TO A NORTH CORNER OF SAID LOT 123 I.T., THENCE SOUTH 59 DEGREES 21 MINUTES 17 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 123 I.T., AND A NORTHEAST LINE OF LOT 156 I.T., A DISTANCE OF 330.85 FEET TO A NORTH CORNER OF SAID LOT 156 I.T., THENCE SOUTH 54 DEGREES 33 MINUTES 48 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 156 I.T., A DISTANCE OF 70.04 FEET TO A NORTH CORNER OF SAID LOT 156 I.T., THENCE SOUTH 35 DEGREES 30 MINUTES 08 SECONDS WEST ALONG A EAST LINE OF SAID LOT 156 I.T., A DISTANCE OF 90.51 FEET TO A NORTH CORNER OF SAID LOT 156 I.T., THENCE SOUTH 54 DEGREES 32 MINUTES 44 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 156 I.T., A DISTANCE OF 230.00 FEET TO A NORTH CORNER OF SAID LOT 156 I.T., THENCE SOUTH 65 DEGREES 06 MINUTES 38 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 156 I.T., AND A NORTHEAST LINE OF LOT 155 I.T., A DISTANCE OF 315.35 FEET TO A NORTH CORNER OF SAID LOT 155 I.T., THENCE NORTH 35 DEGREES 20 MINUTES 01 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 155 I.T., A DISTANCE OF 32.94 FEET TO A NORTH CORNER OF SAID LOT 155 I.T., THENCE SOUTH 54 DEGREES 38 MINUTES 32 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 155 I.T., A DISTANCE OF 267.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 155 I.T., SAID POINT BEING THE NORTHWEST CORNER OF LOT 36 I.T., THENCE SOUTH 54 DEGREES 29 MINUTES 46 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 36 I.T., A DISTANCE OF 111.58 FEET TO A POINT, THENCE SOUTH 35 DEGREES 30 MINUTES 14 SECONDS WEST, A DISTANCE OF 864.58 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF LOT 155 I.T., THENCE SOUTH 00 DEGREES 03 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 155 I.T., SAID LINE BEING A EAST LINE OF LOT 88 I.T., A DISTANCE OF 280.07 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,704,570.45 SQUARE FEET OR 39.1315 ACRES, MORE OR LESS.